

Notice of Allowability

Application No.

10/757,120

Examiner

FRED I. EHICHIOYA

Applicant(s)

TOHGI ET AL.

Art Unit

2162

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/11/2008.
2. ☒ The allowed claim(s) is/are 1, 3 - 7, 15, 16 and 18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Shahid Al Alam/
Primary Examiner, Art Unit 2162

DETAILED ACTION

Examiner's Amendment

1. During telephone conversation with Roger R. Wise (Reg. No. 31,204), Attorney for the Applicants on May 7, 2008 authorizations for this Examiner's amendment was given in a telephone interview.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Please amend claim 18 as follow:

18. (Currently Amended) A computer-readable storage medium having encoded thereon performance information reproducing program, which when executed by a computer, causes:

storing in a file storage device a musical tone data file, in which musical tone information is recorded, and a plurality of media data files, in which a plurality of types of media information is recorded, together with a management file in which a plurality of reading manners of the musical tone data file and the media data files are recorded;

specifying a reading manner of the plurality of reading manners instructed by a user operation from the management file stored in the file storage device;

generating, based on said reading manner, reproduction data that designates the musical tone information of the musical tone data file to be reproduced and the media data file to be reproduced, using designation information in a same format as the musical tone information;

storing the generated reproduction data in a reproduction data storage device;

reading the reproduction data from the reproduction data storage device in accordance with a reproduction clock for the musical tone information; and

reading the media data file designated by the read reproduction data, and reproducing the musical tone information in the reproduction data and the media information in the media data file in synchronism with each other.

Allowable Subject Matter

2. Claims 1, 3 – 7, 15, 16 and 18 are hereby indicated as allowable over the prior art of record.

The following is an examiner's statement of reasons for indicating allowable subject matter.

The prior arts of record, Kihara is directed to a nonvolatile memory for managing files recorded on a memory card using a File Allocation Table (FAT) and for reproducing data from the nonvolatile memory. Kihara describes a management file which is used to

store audio data (including multi-track) on a file system but fail to anticipate or render obvious the recited feature "a reproducing device that reads the media data file designated by the read reproduction data, and reproduces the musical tone information in the reproduction data and the media information in the media file in synchronism with each other" as recited in independent claim 1 and similar limitations of independent claims 16 and 18; The Klappert reference describes a technique for recording MIDI data on a sub-code of a compact disc (CD). However, the combination of Kihara and Klappert fail to anticipate or render obvious the recited feature "a reproducing device that reads the media data file designated by the read reproduction data, and reproduces the musical tone information in the reproduction data and the media information in the media file in synchronism with each other" as recited in independent claim 1 and similar limitations of independent claims 16 and 18.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also indicated as allowable.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED I. EHICHIOYA whose telephone number is (571)272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred I. Ehichioya/
Examiner Art Unit 2162
May 22, 2008

/Shahid Al Alam/
Primary Examiner, Art Unit 2162